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15 THE WINE LIBRARY, INC., EDWARD GELSMAN, and
16 CARL GELSMAN

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 RUSSELL H. FRYE, an individual,

21 Plaintiff,

22 v.

23 THE WINE LIBRARY, INC., a California
corporation; EDWARD GELSMAN, an
24 individual; and CARL GELSMAN, an individual,

25 Defendants.
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Case No. C-06-5399 SC

**STIPULATION REGARDING
TRIAL DATE; ~~PROPOSED~~
ORDER**

Department: 1
Judge: Hon. Samuel Conti

Complaint Filed: August 31, 2006
Trial Date: January 14, 2008

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STIPULATION

This case is currently set for trial on January 14, 2008.

In light of significant logistical difficulties in arranging for the challenged wine bottles (which are currently stored in Boston) to be available in San Francisco at the deposition of an expert (based in France) and pursuant to Local Rule 6-2, the parties agree and seek the Court's approval to continue the trial to January 28, 2008 so that the bottles may be safely transported to San Francisco in advance of the deposition. The parties request that the Court also continue the existing pretrial deadlines by fourteen days, the same period by which they ask that the trial date be continued. The parties ask that the following schedule of pretrial deadlines be adopted:

- January ¹⁴~~16~~, 2008 at 11:00 a.m.: Daubert Motions and Motions in Limine.
- January ¹⁸~~21~~, 2008 at 11:00 a.m.: Oppositions to Daubert Motions and Motions in Limine.
- January ²²~~24~~, 2008:
 - A joint agreed upon brief statement of the case to be read to the jury prior to trial;
 - Proposed voir dire questions;
 - A trial brief;
 - A list of exhibits conforming substantially to the Court's required format;
 - A list of witnesses, including expert witnesses, in the expected order of presentations. This list must also include:
 - A brief statement as to the content of the witness' testimony, on both direct and cross examination; and
 - An estimate of the time of the witness' testimony, on both direct and cross;
 - Statement designating all excerpts from depositions, answers to interrogatories, and responses to RFAs to be offered at trial for any purpose other than impeachment or rebuttal;
 - Joint proposed jury instructions;
 - Proposed form of verdict; and
 - Exhibit binders delivered to the Court's chambers.
- January 25, 2008 at 10:00 a.m.: Pretrial Conference.

1 For the foregoing reasons, the parties respectfully request that the Court continue the trial to
2 January 28, 2008, and adopt the schedule of pretrial deadlines set forth above.

3 Dated: December 18, 2007

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6 By: 

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9 Dated: December 18, 2007

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12 By: 

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Attorneys for Defendants
THE WINE LIBRARY, INC., EDWARD
GELSMAN, and CARL GELSMAN

18 ~~PROPOSED~~ ORDER

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: December 19, 2007


Hon. Samuel Conti
United States District Judge